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**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

**FILE:** B-217500

**DATE:** January 18, 1985

**MATTER OF:** Mark Dunning Industries, Inc.

**DIGEST:**

GAO does not consider protests relating to the small business size status of a concern because the Small Business Administration has conclusive authority to determine size status.

Mark Dunning Industries, Inc., protests the award of a contract to Industrial Waste, Inc., under solicitation No. N62467-84-B-2118, issued by the Department of the Navy for hazardous waste management at the Pensacola Naval Complex, Pensacola, Florida. The invitation for bids was set aside for small business. The protester contends that Industrial Waste, Inc., is affiliated with a large business concern and, thus, is ineligible for the award.

Under 15 U.S.C. § 637(b)(6) (1982), the Small Business Administration (SBA) has conclusive authority to determine matters of small business size status for federal procurement purposes. Therefore, our Office does not consider size status protests. 4 C.F.R. § 21.3(g)(2) (1984); Carter Construction Company, Inc., B-216566; B-216566.2, Oct. 18, 1984, 84-2 C.P.D. ¶ 420. Under the applicable regulations, a protest of a bidder's small business size status must be filed with the contracting officer, who in turn forwards the matter to the SBA for resolution. Federal Acquisition Regulation, § 19.302, 48 Fed. Reg. 42,102, 42,246 (1983) (to be codified at 48 C.F.R. § 19.302).

The protest is dismissed.

*Harry R. Van Cleve*  
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General Counsel

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